

Information Disclosure Statement

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: December 17 2009 Signature:



(Lisa Adams)

Docket No.: 101896-1089
(DEP6244USPCT)
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

David G. Malone

Application No.: 10/812,837

Confirmation No.: 3121

Filed: March 30, 2004

Art Unit: 3738

For: DEVICES AND METHODS FOR
FACILITATING CONTROLLED BONE
GROWTH OR REPAIR

Examiner: A. J. Stewart

INFORMATION DISCLOSURE STATEMENT (IDS)

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement, pursuant to 37 CFR 1.114(c), accompanies the Request for Continued Examination (37 CFR 1.114) submitted herewith.

In accordance with 37 CFR 1.98(a)(2)(ii), Applicant has not submitted copies of U.S. patents and U.S. patent applications. Applicant submits herewith copies of foreign patents and non-patent literature in accordance with 37 CFR 1.98(a)(2).

Applicant also calls the Examiner's attention to the following co-pending application, the prosecution of which may be relevant to the pending application:

- **U.S. Application No. 11/528,726, entitled "Devices and Methods for Facilitating Controlled Bone Growth or Repair," filed on September 27, 1996.**

In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure Statement shall

not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56 (b).

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 141449, under Order No. 101896-1089 (DEP6244USNP).

Dated: December 17, 2009

Respectfully submitted,

By _____

Lisa Adams

Registration No.: 44,238

NUTTER MCCLENNEN & FISH LLP

World Trade Center West

155 Seaport Boulevard

Boston, Massachusetts 02210-2604

(617) 439-2550

(617) 310-9550 (Fax)

Attorney for Applicant

1882901.1